

**IMPLEMENTATION OF THE RIGHT TO INFORMATION  
ACT (RTI-2009) IN THE SELECTED UPAZILAS OF  
MYMENSINGH DISTRICT**

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DEDICATED TO

MY WIFE KHADIZA KHATUN MUNNE

SWEET DAUGHTER FARIHA FAIRUZ SITHI

&

LOVING SON

LABIB AL KARIM

## STATEMENTS MADE BY THE CANDIDATE

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# TABLE OF CONTENTS

Acknowledgement	vii
List of Tables	viii
List of Figures	ix
List of Case study	ix
List of Abbreviations	x-xi
Abstract	1
<b>Chapter 1: Introduction</b>	
1.1 Introduction	2
1.2 Background	3
1.3 Statement of the problem	6
1.4 Significance of the research problem	7
1.5 Research questions	7
1.6 Scope and objectives	7
1.7 The objectives	7
1.8 Methodology	8
1.9 Site Selection	8
1.10 Design of the Sample	9
1.11 Field work and Data Collection	10
1.9 Limitations of the study	10
<b>Chapter 2: Theoretical Discussion</b>	
2.1 Introduction	11
2.2 Literature Review	11
2.3 RTI Dynamics	12
2.4 Global Scenario of RTI and views	13
2.5 RTI and Social Accountability	14
2.6 Positive initiatives for the implementation of the RTI Act	16
2.7 Analytical Framework	16
2.8 Conclusion	17
<b>Chapter 3: RTI: Issues and Challenges</b>	
3.1 Introduction	18

3.2 Lack of publicity on the RTI Act	18
3.3 Lack of publications for self-motivated information	19
3.4 Weakness in RTI Act practice	19
3.5 Lack of interest among the media persons to follow RTI Act	19
3.6 Inadequate preservation system	20
3.7 Dependency of the “Designated Officer” on the higher authority	20
3.8 Lack of logistic support at the “Designated Officer’s”	20
4. Major issues and challenges to implement RTI-2009 Act	21
4.1 The Information Commission	21
4.2 Poverty	21
4.3 Education	22
4.4 Advocacy and Awareness programs	22
4.5 Information Technology and Digital devices	23
4.6 Bureaucratic system and mindset	23
4.7 Other existing laws	24
4.8 Demand and Supply side conflict	24
4.9 Training and information clinic	25
4.10 Allocation of Budget	25
<b>Chapter 4: Results and Discussion</b>	<b>26</b>
<b>Chapter 5: Conclusion and Recommendations</b>	<b>42</b>
<b>References</b>	<b>44</b>
<b>Appendix</b>	<b>46</b>

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## LIST OF TABLES

1. Good governance and RTI	26
2. Performance and Impact of RTI	27
3. Maintain the Accountability	27
4. Status of the existing service delivery	28
5. Budgetary provision and M & E	28
6. Training and Service Delivery	30
7. Training materials /texts	30
8. Budget allocation for training	31
9. Logistic support for DO	31
10. Public governance and Media	36
11. Information on public sector matters	37
12. Corruption cases or financial matters	37
13. Different kinds of difficulties	38
14. Trust level regarding news-making	38
15. Relationship between public servants and media	39
16. Training received	40
17. Performance of the Information Officer/DO in different offices	40
18. Current activities of IC (Information Commission)	41



## LIST OF FIGURES

1. Surveyed areas of Mymensingh district	9
2. RTI Dynamics flowchart	12
3. Freedom Information around the world	14
4. RTI and Social Accountability	15
5. Participatory approach in RTI	29
6. Resource persons available for the training	32
7. Delivery of Information to the clients	33
8. Administrative set up for RTI	33
9. Present administration set-up regarding RTI	34
10. Status of implementation challenge	35

## LIST OF CASE STUDY

1. Case study number one	29
2. Case study number two	32
3. Case study number three	34
4. Case study number four	39

## LIST OF ABBREVIATIONS

AC	Assistant Commissioner
ACCA	Anti-Corruption Commission Act
ACR	Annual Confidential Report
BBS	Bangladesh Bureau of Statistics
BCGA	Bangladesh Compliance and Gap Analysis
BLAST	Bangladesh Legal Aid and Services Trust
BRAC	Building Resources across the Countries
CIC	Chief Information Officer
DC	District Collector
DFO	Divisional Forest Officer
DO	Designated Officer
EC	Election Commission
FOI	Freedom of Information
GIS-MIS	Geographic Information System-Management Information System
GO	Government Order
IC	Information Commission
ICT	Information and Communication Technology
IGS	Institute of Governance Studies
M & E	Monitoring & Evaluation
MAGD	Master of Arts in Governance and Development
MDG	Millennium Development Goal
MJF	<i>Manusher Jonno Foundation</i>
MKSS	<i>Mazdoor Kisan Shakti Sangathan</i>
MoI	Ministry of Information

MPO	Monthly Pay Order
NGO	Non-Government Organization
PIO	Public Information Officer
QGCIO	Queensland Government Chief Information Officer
RIB	Research Initiatives, Bangladesh
RTI	Right To Information
SMS	Short Message Send
SP	Superintendent of Police
SPSS	Statistical Package in Social Science
TIB	Transparency International Bangladesh
TV	Television
UNCAC	United Nations Convention against Corruption
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNO	Upazila Nirbahi Officer
www	world wide web

## **ABSTRACT**

The Right to Information is referred to in various ways across the world. Some talk of ‘freedom of information’, while others about ‘access to information’ or ‘the right to know’. However, all these terms have got the same meaning – people have the human right to seek and receive government held information. Freedom of information is a fundamental human right, as declared by the United Nations in 1948. The law on the right to information enables the citizens to seek information from the duty-bearers who are legally bound to provide it. Now, it is the era of information. Today, information is a power as well an asset. Nobody can hide information regarding service- oriented issues and facts. It is primary duty of the civil servant or officials to provide relevant information to the citizens/clients. Prior to enact Right to Information (RTI) in Bangladesh, there was a tendency to hide or disrupt information. Peoples suffered due to the lack of authentic information at the right time. Bangladesh recently joined the group of more than 70 nations when it enacted the Right to Information (RTI-2009) Act with the objective to ensure people’s access to information which is vital for transparency and accountability, two major ingredients of a true democracy. The right to information is considered to be a fundamental human right everywhere in the world. RTI-2009 Act is aimed to establish transparency and accountability in the overall system of governance in the country through people's access to information in the public sector. The first two countries have the RTI law in Finland and Sweden in 1766. During that time Finland was a territory government. The main objective of this Act is to provide with due service and to citizens. In Bangladesh, The Right to Information (RTI) Act was passed on March 29, 2009. Today, RTI-2009 Act is functioning in all public and private organizations except military and corporate organization in Bangladesh. The rationale of this Act is related to people’s sovereignty. It is necessary to ensure right to information for their empowerment. Now, it is time, to make an assessment the overall position of RTI-2009 in administration, media/civil society, and service recipients and how they traced it to establish public governance in Bangladesh. This study was conducted to assess the present issues and challenges and/or experiences to implement RTI-2009 Act in the district administration of the Government especially in that of Mymensingh district. Mymensingh is an old district in Bangladesh and most of the offices of the Government found here. RTI-2009 Act is functioning in each and every office in Mymensingh. Out of 12 upazilas in Mymensingh district administration, 4 upazilas- Mymensingh sadar, Trishal, Muktagacha and Fulbaria were selected as a selective sampling, then 30 personnel were interviewed through a set of questionnaire and non-formal discussion. From service recipient’s side, there were taken four case studies for both quantitative and qualitative data analysis. The outcomes of my thesis will help to understand as well as to introduce appropriate policy measures to overcome the existing issues and challenges in implementing RTI-2009 in Bangladesh. This thesis will also further help to take action plan in district administration for the fulfillment of the citizen’s demand as per RTI-2009. Further research will be carried out in different district administration in Bangladesh to find out the appropriate policy measures at the macro-level.

# Chapter 1: Introduction

## 1. Introduction:

In Bangladesh, earlier the government did not have any specific ordinance that was related directly to people's right to know. Rather, it was prohibited by certain clauses. These clauses are Official Secret Act 1923, Evidence Act 1872, Rules of Business 1996, Government Service (Conduct) Rules 1979, and the oath (affirmation) of secrecy under the constitution act. All these clauses together acted as an impediment and barrier to getting access to information. The clause 5[1] of the official Secrets Act has been designed to protect military and strategic secrets of the Government in many occasions, it appeared to be most popular excuse of the government officials to disclose information. Section 5[1] also states that 'If any person having in his possession or control any secret ... (means information) ... (a) willfully communicates ... (b) uses the information ... (C) retains the information... (d) fails to take reasonable care of ... he/she shall be guilty of an offence under this section. The recent Rules of Business, specifically the government officials, from disclosing information to the members of the press. Certainly, the government servants are bound by both their oath and service rules to refrain themselves from disclosing information to the public. However, through the RTI Act-2009, Section (3), while citizens would seek information all these restrictions can be overridden, except in regard to exemptions listed in (Section 2 Article 7) of the RTI Act-2009.

The act, in its introductory part, has recognized the right to information as an absolute part of freedom of thought, conscience, and speech. It has also highlighted the importance of this right in ensuring people's empowerment. The preamble further elaborates that "if the right to information of the people is ensured, transparency and accountability in all public, autonomous and statutory organizations and in other private institutions run on government or foreign funding shall increase, corruption of the same shall decrease and good governance of the same shall be established". The Act has given a clear guideline as to how to collect, preserved, maintain and provide information. The Act indicates that any citizen can seek or demand information from the Authority and the Authority is bound to provide information based on the demand side responses. Now, it is a challenge to overcome the present constraints for the implementation of RTI Act-2009 in the field administration of Bangladesh.

## **1.2: Background:**

Globally, the first RTI law was enacted which was in 1776 by Sweden, largely motivated by the parliament's interest in access to information held by the King. Finland was the next to adopt it, which it did in 1951. Finland was followed by the United States of America (USA) which enacted its first law in 1966, and Norway, which passed its law in 1970. The interest in RTI took a leap forward when the United States of America (USA) reeling from the 1974 Watergate scandal, passed a tough FOI law in 1976. It was then followed by a passage of several western democracies of their own laws (France and Netherlands in 1978, Australia and New Zealand in 1982, Canada in 1983, Columbia and Denmark in 1985, Greece in 1986, Austria in 1987 and Italy in 1990). By 1990, the number of countries with RTI/FOI laws climbed to 14. The fall of the Berlin Wall and the rapid growth of the civil society groups which made a demand for an access to information about the environment, public health impacts of accidents and government policies, draft legislation, maladministration, and corruption gave an impetus to the next wave of enactments, which peaked in the late 1990s and early 2000s. Today, More than 40 countries have got access to information a law which was materialized through enacting laws in this regard. 26 passed the laws since the fall of the Berlin Wall between 2000 and 2002. Besides, 30 governments either introduce access to or freedom of information acts, or have actively considered introducing them (Calland, 2002).

During the year of in 1992 and 2006, 25 countries in Central and Eastern Europe and the former Soviet Union passed RTI laws, of which Hungary and Ukraine were among the first. During that same period through to the present, at least 51 countries in other regions of the world enacted laws in this regard. By September 2012, some 93 countries had national-level right to information laws or regulations in force. This group includes the population giants of China, India, and Russia, most of the countries in Europe and Central Asia, more than half of the countries in Latin America, more than a dozen in Asia and the Pacific, ten countries in Africa, and three in the Middle East. Today, at least sixteen countries in the Asia and the Pacific region have got access to information laws. These are Australia, Bangladesh, Cook Islands, India, Indonesia, Japan, Kyrgyzstan, Mongolia, Nepal, New Zealand, Pakistan, South Korea, Taiwan, Tajikistan, Thailand, and Uzbekistan. In addition, China has actionable RTI regulations. The major two countries like India and Pakistan can play a vital role to implement RTI in this region and they can be active in the formation of RTI regulations in the world.

India's RTI bill was seen as a radical measure that boasted of clear rights for citizens requesting information, complemented by a strong enforcement mechanism. Information bill was passed in India in 2005. In it, it is stated that information concerning the life or liberty of a person must be provided within 48 hours and other information within 30 days. However, in the act, the implementation process is not outlined clearly and public interest has been so broadly defined that these can generate opportunities to conceal information. Eight years after the implementation of the law, there are still avenues for improvement in different states of India. Levels of awareness and the slow pace of computerization of government records do still exist in this country. *Suo moto* disclosures by the government departments are still not as high as has been mandated by the Act. Another pressing problem is the lack of training of relevant government officials who are to function as Public Information Officers (PIOs). This results in the delay in responding to applicant cases, within the stipulated 30 days.

On the other hand, Pakistan adopted a Freedom of Information Ordinance in 2002, which has remained in effect since then. In April 2010, the Constitution of Pakistan was amended to provide for a right to information. In this country, the Freedom of Information (FOI) Ordinance was enacted, which clearly states that all citizens of Pakistan have the right to access public records. However, it has been criticized heavily for having in it numerous exemptions, by which the federal government enjoys flexibility to declare any information which is outside the scope of the Ordinance. The Act does not cover state corporations, or provincial and local government's requests for any information involve high costs. Besides, no particular time frame for the disposal of information exists. There are innumerable procedural bottlenecks that are coupled with weak sanctions for non-compliance by the public authorities. The training for these officials and awareness level of the citizens with regard to the Ordinance are also highly inadequate. Unlike in India, where people from the grassroots level can see information under RTI in Pakistan FOI use is limited only to NGOs and activists. In both the countries, clauses that can protect the whistle blowers do not exist.

In Bangladesh, access to information has got the potential to empower people for engaging themselves meaningfully in the democratic process with a view to increasing transparency and accountability in the mechanisms of governance, reducing corruption, and, more generally, achieving development goals. Although the constitution of the People's Republic of Bangladesh does not make any clear reference to the right to information, several articles, such as 7, 32 and 39, lay the foundation of recognizing it as a right. In particular, Article 39 (2) guarantees the 'right of every

citizen of freedom of speech and expression and b) freedom of the press.’ However, it states that this is subject to any reasonable restriction imposed by law in the interests of the security of the state, friendly relations with foreign countries, public order, decency or morality, or in relation to the contempt of court, defamation or incitement to an offence.

The RTI-2009 Act in Bangladesh has in it altogether 8 chapters and 37 articles. The Article 7 under Section 2 provides the list of exemptions in regard to releasing information, which is mostly in line with the Article 39 (2) of the constitution of Bangladesh. The aim of RTI Act is that it would ensure transparency and accountability of all public, autonomous and statutory organizations and their private institutions as well as reduction of corruption in these organizations. It is against this context that this research work will explore in what manner RTI Act 2009, in collaboration with ACCA 2004, can establish transparency and fight corruption.

The RTI Act 2009 of Bangladesh which has been adopted by the parliament marks the culmination of a process that can be traced from the 1983 Press Commission- recommended adoption for an RTI Act, through the Law Commission’s working paper of 2002 and the civil society’s demand for an Act that was intensified by 2004. Nearly 40 organizations led and supported by the Manusher Jonno Foundation, a non-government organization drafted the Act and lobbied with the government. A range of cross-sectoral stakeholders, including legal experts, national and local NGO representatives, and international development partners, media representatives, academics and public officials, explored the challenges and the strategies for effective implementation of the RTI Law. The caretaker government passed the RTI ordinance 2008, leaving it for ratification by the elected government. Meanwhile, RTI occupied a central position in the public discourse and it was quite reflected in the media, and eventually, in the manifestos of the major political parties. Through the adoption of the ACCA 2004, Bangladesh has already entrusted a wide range power to the Anti-Corruption Commission.

The government of the People’s Republic of Bangladesh acceded to the United Nations Convention against Corruption in February 2007. Shortly after this accession, between October 2007 and January 2008, a comprehensive analysis of the existing national laws, institution, and procedures was undertaken to identify the gaps in the country’s compliance with the Convention. In April 2007, an Inter-Ministerial Committee was formed to conduct UNCAC through Bangladesh Compliance and Gap Analysis. BCGA found that the existing laws of the country are largely in compliance with the UNCAC requirements on criminalization. Further, in 2008, significant changes have occurred



nationally with regard to anti-corruption efforts. The most notable outcomes are the Money Laundering Prevention Act, 2009; Anti Terrorism Act, 2009; Representation of the People (Amendment) Act, 2009; Right to Information Act, 2009. To strengthen the institutions and laws particularly responsible for reducing corruption, the government developed an action plan for compliance to provide operational guidance for the implementation of the UNCAC provisions. The Action Plan was aimed to establish good governance by reducing corruption in different segments of Bangladeshi society. The RTI Act-2009 can eliminate corruption in the society as well as ensure transparency and accountability in all the service sectors of the country.

### **1.3: Statement of the problem**

Corruption is now prevalent in almost all areas of the government activities in Bangladesh. It is prevalent from the policy makers to the field-level functionaries. Politicians, regulators, law enforcement officials, judges, prosecutors, and inspectors are all potential targets of the public sector bribery. Public sector corruption has become a much talked about different issues in Bangladesh. Consequently, in these days a national consensus has emerged regarding the need to fight against it with highest urgency and priority.

Perhaps, the Right to Information Act, 2009 is one of the much talked about issues in Bangladesh after *Nari o Sishu Nirjatan Domon Ain 2003 (songshodito)* [Act for Suppression of Violence against Women and Children-2003 (revised)]. It can prevent corruption and make the society corruption-free. Now, it is time to make an assessment of the achievement of RTI-2009 in Bangladesh. The rationale of this Act is that since all power of the Republic belongs to the people, it is necessary to ensure their right to information for their empowerment. The right to information is considered to be a fundamental human right everywhere in the world. Access to information has the potential to empower people to engage themselves meaningfully in the democratic process with a view to increase transparency and accountability in the mechanisms of governance, reduce corruption, and more generally achieve the development goals. Demand for such an Act came from every corner of the society like human rights defenders, media professionals, academicians, legal activists, civil society, grassroots organizations, national NGOs, above all, from the concerned citizens. This Act is known to be a landmark and progressive legislation which has been made to protect the rights of the entire population of the land, promoting human rights and ensuring transparency and accountability.

#### **1.4: Significance of the research problem:**

Corruption in the public sector is endemic in Bangladesh. It poses a risk to economic development and can be considered as the number one national enemy for the progress of this state. The major opportunity is that RTI Act could most effectively as the catalyst for institutionalizing democracy, promotion of good governance, and control of corruption. It is closely related to the process of the empowerment of the citizens and building accountability of the state and its organs, the political parties and leaderships, administration and other institutions to the citizens. In Bangladesh, there has been no comprehensive and direct research in this field. Since the prime objective of the Act is to ensure transparency and accountability in governance, integrating RTI Act will help in achieving that target. On the other hand, targeted beneficiaries will be able to receive services offered by the government and non-government organizations.

#### **1.5: Research questions:**

- 1) What are the issues and challenges to implement RTI-2009 in Bangladesh?
- 2) What are the factors involved in RTI to enhance the right of information for the citizens?

#### **1.6: Scope and objectives:**

Right to information has now become a central development theme to the civil society and development agencies in Bangladesh. Three years ago, it was found that the existing perception about RTI was related to the freedom of information with respect to the media than the right to information as a development tool. Since the constitution of Bangladesh has recognized the freedom of expression as a fundamental right, there was a common notion that right to information was only related to the freedom of the media. Moreover, the states rules and regulations do not consider and recognize the idea of right to information as a development tool. In Bangladesh during the last few years there has been a gradual shift from the idea that RTI is only the domain of “media” that of its being used as a development tool for realizing basic rights, such as right to food, shelter, security, livelihood choices and public participation. The civil society has played a key role in raising this kind of awareness among the peoples. Besides, different development initiatives have helped enrich this perception.

#### **1.7: The objectives:**

General objectives:

1. To assess the issues and challenges of RTI Act-2009 in the public sector in Bangladesh.

2. To make a field level observation and study the experiences regarding RTI-2009 Act.

**Specific objective:**

1. To evaluate the impacts of RTI-2009 in the public sector.
2. To analyze the factors affecting the right to information in the public sector.

**1.8.1: Methodology:**

This section aims to illustrate the methodology of this study. The content analysis and all relevant information and data were collected from various books, journals, print and electronic media outlets and articles and documents as well as published, unpublished reports available, online content etc

**1.8.2: Site selection:**

The RTI is practiced in each administrative unit in Bangladesh since the emergence of RTI Act-2009. Mymensingh is one of the pioneer districts to implement RTI Act-2009. This district is well-known for carry out government order in the administrative sector. This study was conducted and concentrated in the north-eastern part of the country, particularly in the district of Mymensingh. Mymensingh district is surrounded by India and with east by Netrokona and Kishoreganj district, on the south by Gazipur district and on the west by Tangail, Sherpur and Jamalpur districts on the west. The total area of the zila is 4394.57 sq. km. (1696.00 sq. miles) of which 156.62 sq. km. (60.47 sq. mile) is under forest. It is located from 24°02 " 31 ' to 25°25 " 56 ' north longitudes and 89°39 " 00 ' to 91°15 " 35 ' east latitude (BBS, 2011). The district has 12 upazilas, 13 police stations, 10 municipalities (1 of A category, 7 of B categories, and 2 of C categories), 146 unions, 2201 mouzas, and 2709 villages. The upazilas are the following; Ishwarganj, Gafargaon, Gouripur, Nandail, Trishal, Valuka, Muktagacha, Fulpur, Haluaghat, Dhobaura, Fulbaria, and Mymensingh Sadar. The study area was selected with consultation with my thesis supervisor. The survey work has been carried out in the following four upazilas of the district: Mymensingh Sadar, Trishal, Fulbaria, and Muktagacha which covered all the representing factors of RTI Act-2009.



**Fig: 1: Surveyed areas of Mymensingh district (\* working areas)**

### **1.8.3: Design of the Sample:**

Out of 12 upazilas, only four upazilas of mymensingh district were selected through a particular selection basis for conducting the survey on the RTI Act-2009. In each of these area stratified random, sampling were done on the basis of portfolio of offices. A total of 20 government officials and 10 media personnel were selected randomly from different categories of offices. They were interviewed by a pre-fixed questionnaire sheet. There was also a study of four case studies belonging to the service recipients side i.e. demand side of RTI-2009 Act.

#### **1.8.4: Filed work and data collection:**

The survey was conducted in mid-January, 2013, in the above mentioned area. The local officials and media personnel were involved in RTI-2009 Act and they were interviewed. In addition to the use of pre-fixed questionnaire (see appendix-1), informal discussions were also making with the officials and media personnel also took place. This questionnaire helped to obtain some uniformity in all responses. The methodology also included direct observation of the service delivery in each office and thus, the act of identifying the real scenario of the supply side and demand side of RTI in Mymensingh district administration. Although the numbers of respondents were small, the researcher tried analyze with statistical and mathematical parameters all the responses received. The collected data were processed and analyzed by using certain statistical tools and techniques. SPSS (Statistical Package for the Social Sciences) and Microsoft Excel were used for analyzing the data.

#### **1.9: Limitations of the research:**

This study has been conducted to fulfill the requirements of the dissertation paper which is part of the MAGD Program. Due to time constraints, accessibility to a significant number of respondents in the Mymensingh district was impossible. The questionnaire and data were inadequate in each office. Lack of literature on RTI-2009, especially that is relevant Mymensingh district, was quite a big limitation for the field- work.

# Chapter 2: Theoretical Discussion

## 2.1 Introduction

This chapter explores the existing relevant literature and theories about RTI's role in public governance. The aim of this chapter is to build up an analytical framework for the study by developing a conceptual and theoretical understanding of RTI. In Bangladesh context, there is no specific, direct, or comprehensive research work available on RTI.

## 2.2 Literature Review:

The history of the recognition of the right to information is much old. The first country to have the RTI law was Finland and Sweden in 1766 when the former was a territory governed by Sweden. The joint Parliament of the then Finland and Sweden adopted the first RTI law of the world titled Access to Public Records Act, 1766. More than eighty countries have since enacted RTI law or act, of which over 40 have done so during the decade of nineties and thereafter. The fact that the newly- elected Government of Bangladesh (GoB) adopted the Right to Information Act in the very first session of the 9th Parliament marked a significant step forward in fulfilling the constitutional pledge of the state of Bangladesh (TIB, 2010). The three key aspects of the RTI-2009 Act are: The demand side in which the citizen's demand for information from public authorities. The supply side in which public authorities provide information sought by the people, and Dispute adjudication side in which the Information Commission (IC), set up for this purpose, decides on the complaints emerging from the information-seekers against the information-providers (RIB,2011). Amartya Sen has said that there has never been a famine in a country with a free press and open government (Sen, 1999). The relationship between information and power is profound. Without information, people have got no power to make choices about their government. In this situation, they have got no ability to participate meaningfully in the decision-making process, to hold their government accountable, to prevent corruption, to reduce poverty, and ultimately, to live in a genuine democratic environment. Information access falls within the broader research domain of information ethics (Carbo & Smith, 2008; Froehlich, 1992; Hauptman, 1988; Mathiesen, 2004; Vaagan, 2005). Although several scholars have proposed unifying and/or comprehensive definitions of information ethics, none has been widely adopted. Carbo and Smith (2008), in an introduction to a recent special issue of the Journal of the American Society for Information Science and Technology, define information ethics as “ the

concern with the moral dilemmas and ethical conflicts that arise in interactions between human beings and information (creation, organization, dissemination, and use), information and communications technologies (ICTs), and important system. Government information is a national resource in a country. However, neither the particular government of the day, nor the public officials, creates information for their own benefits. Information is generated for the purposes related to the legitimate discharge of their duties of office, and for the service of public for whose benefits the institutions of the government exist, and who ultimately (through one kind of import or another) fund the institutions of government and the salaries of the officials. It follows that the government and the officials are 'trustees' of the information of the people.

Nonetheless, there are, in theory at least, numerous ways in which information can be accessible to members of the public in a parliamentary system. The systemic devices promote the transfer of information from the government to the parliament and the legislatures, and from these to the people. Members of the public can seek information from their elected representatives. Recent technological advances also help us to reduce further the gap between the 'information rich' and the 'information'. The right to information is, therefore, central to the achievement of the Millennium Development Goals (MDG) (Sood, 2008).

### **2.3: RTI DYNAMICS:**

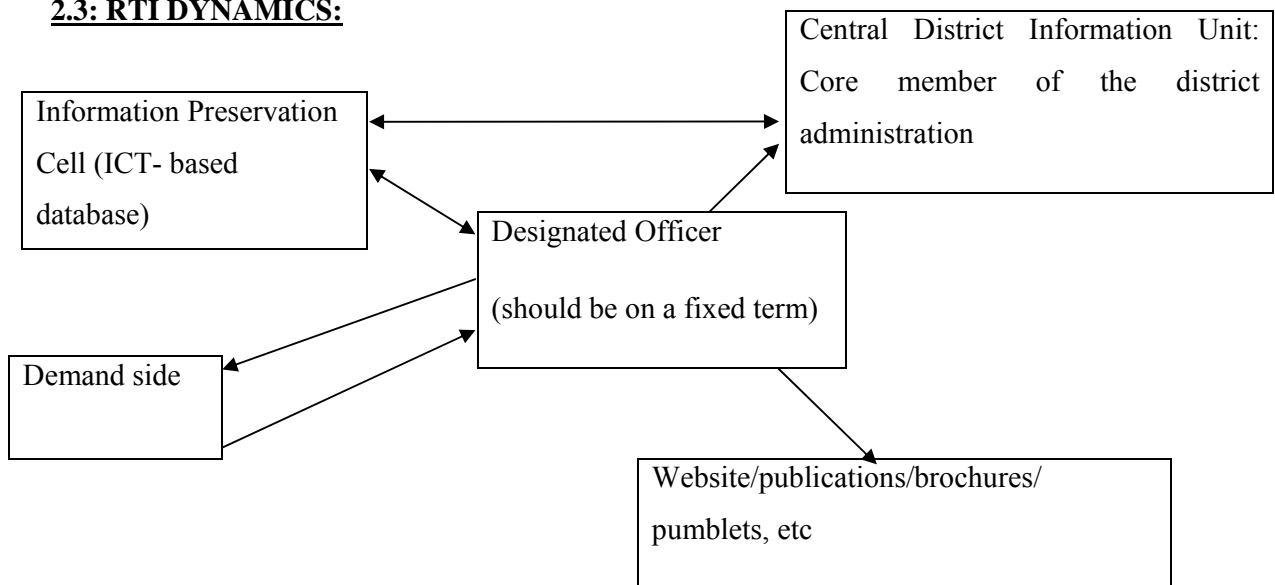


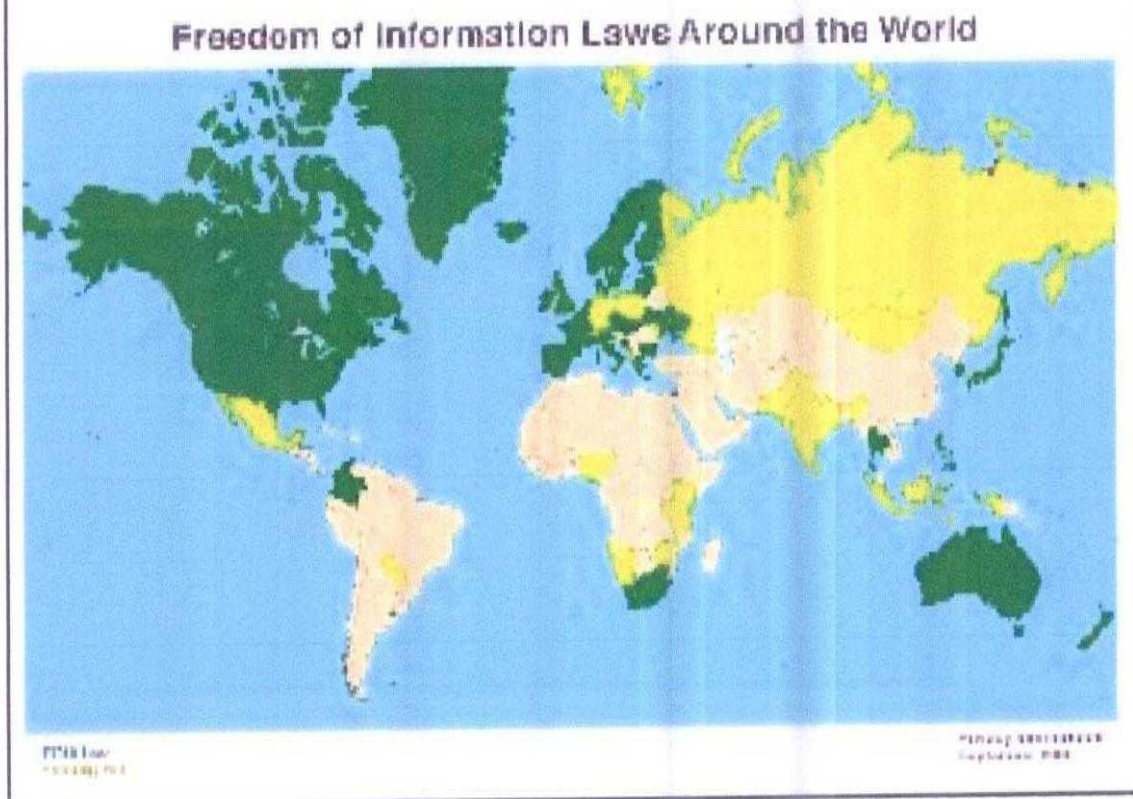
Figure: 2: RTI Dynamics (Source: author)

## **2.4: Global Scenario of RTI and Views:**

According to a number of scholars, “the right of access to information has become the dominant right in the information and knowledge era” (Lor & Britz, 2007, p. 392; see also Brown, 2004; Byrne, 2003; Corredoira, 2007; Cramer, 2009; Doctor, 1991, 1992; Jaeger, 2007; Lievrouw, 2000; Lievrouw & Farb, 2002; Smith, 1995). Information access is often not explicitly defined in the literature. Even the terminology itself is highly variable. “Access to information” is more commonly used in LIS research (Blakemore & Craglia, 2006; Lor & Britz, 2007; McDermott, 2007). However, “information access” is used by Burnett & Jaeger (2008), Burnett, Jaeger, and Thompson (2008), Jaeger (2007), Jaeger and Burnett (2005), Lievrouw and Farb (2002), and Smith (1995). The two phrases—access to information and information access—should be seen as functionally equivalent, as has been demonstrated by several scholars who use both these terms interchangeably (e.g., Burnett, Jaeger & Thompson, 2008; Jaeger & Burnett, 2005; Lievrouw & Farb, 2002; and Smith, 1995). Burnett (2005) defines access as “the presence of a robust system through which information is made available to citizens and others” (p. 465). Such a system has got physical, intellectual, and social components. Thus, information access is a combination of intellectual, physical, and social elements that affect the availability of information to individuals.

Information management is defined as the means by which an organization plans, identifies, creates, receives, collects, organizes, governs, secures, uses, controls, disseminates, exchanges, maintains, preserves, and disposes of its information. It also refers to any means through which the organization ensures that the value of that information is identified and exploited to its fullest extent (QGCI, 2013). Simply put, information management is the term used to describe all activities concerned with the use and management of information in all its forms. The primary aim of information management is to ensure that the right information is available to the right person, in the right format and medium, at the right time.





**Fig-3 Freedom of Information Laws Around the World**

**Green/Dark areas represent countries enabled with Freedom of Information Laws. Yellow/Lightly shaded areas represent countries where laws are pending. (Copyright privacy International, September 2001)**

Figure: 3: Freedom of Information Laws around the world. (Source: Mobassera, 3<sup>rd</sup> batch MAGD dissertation, 2009).

## **2.5: RTI and Social Accountability:**

The World Bank's World Development Report 2004- *Making Services Work for Poor People*- points out that successful service require relationships in which clients can monitor and discipline the providers ("client power"), citizens can have a strong voice in policy- making with politicians and bureaucrats ("voice") and policymakers can provide the process of incentives (for example, through contracts) to the service clients ("compact").

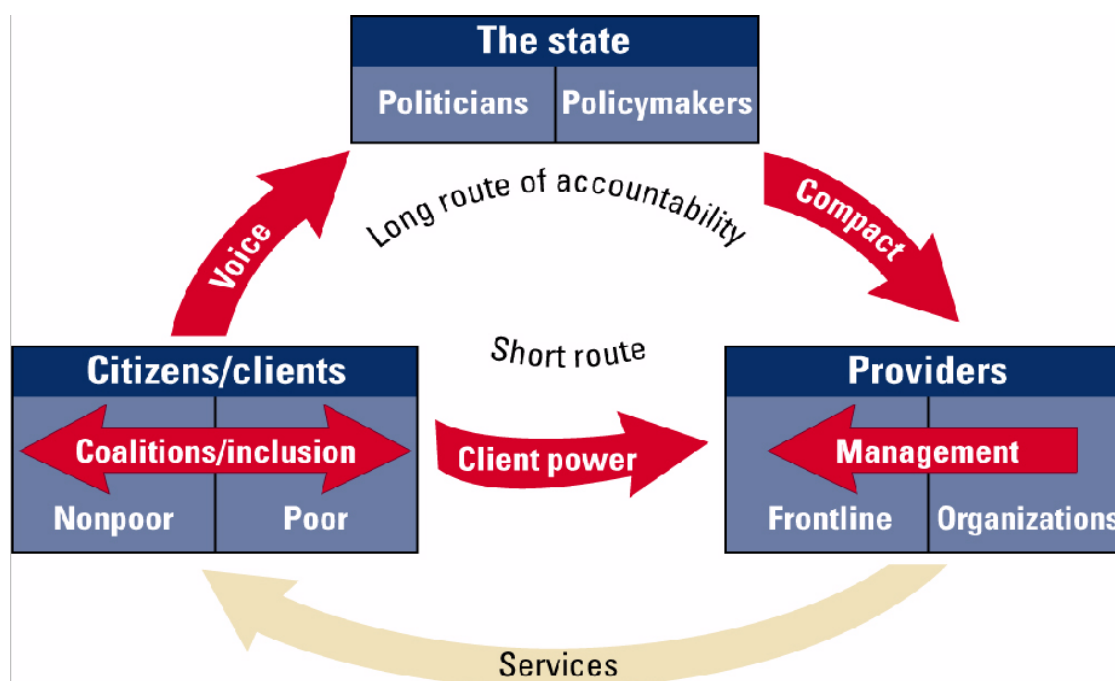


Figure: 4: RTI and Social Accountability

However, various factors can disrupt all these relationships. During, the absence of competition or alternate service providers, relationship with the clients becomes extremely weak. In such a condition, the only way to demand accountability and performance is by recourse through the policy makers. This is difficult enough for the better off, who have influence and knowledge, but, it is extremely difficult for the poor. In the case of the poor who are clients of small-scale private providers who are not regulated by the state, it is almost an impossible thing. (Ironically, the government policy may actually contribute to the situation, by forcing private providers to operate in the informal or even in the quasi-legal sector, or by creating such barriers to market entry that few providers exist, further restricting options for the users.)

This problem has been compounded by the issue of information asymmetry. When providers deny the users access to knowledge about their rights and entitlements, about standards and norms pertaining to the service, or about the nature of the compact with the state, it leaves them (the users) at a major disadvantage as they are unable to articulate coherent and credible demand for better service. In an environment of information asymmetry, there appears often weak collective action to challenge the conduct of the providers. Thus, the legislation and implementation of RTI has a direct bearing on how citizens can hold public institutions to account.

## 2.6: Positive Initiatives for the Implementation of RTI Act

In order to provide effective service, good governance must be ensured by increasing the degree of transparency, participation, accountability, and rule of law. Moreover, Right to Information Act, 2009 is considered as one of the most important tools to translate into practices the basic theories and assumptions of good governance. The government of Bangladesh has given more emphasis on the effective information system to make the work and decisions taken by the public bodies appear transparent. Likewise, in order to make the process of public service delivery transparent and understandable, the Government of Bangladesh (GoB) has expressed its strong commitment to prepare, amend, and implement service delivery guidelines. For this purpose provision for intensive training is made to enhance the capacities of the officials of public bodies. The concept of good governance has strongly accepted the idea that public administration must be transparent and accountable and must maintain financial discipline properly. Additionally, good governance has stressed that decisions made by the local bodies related to the public concerned must be posted in the notice board and all relevant information disseminated through the website and other proper means of communication. The local bodies must disseminate the details of income and expenditure, and these must be posted in a separate holding board which is accessible to the common people. The separate holding board must be made of the RTI and having special identification number in the service delivery mechanisms in Bangladesh.

## 2.7: Analytical Framework:

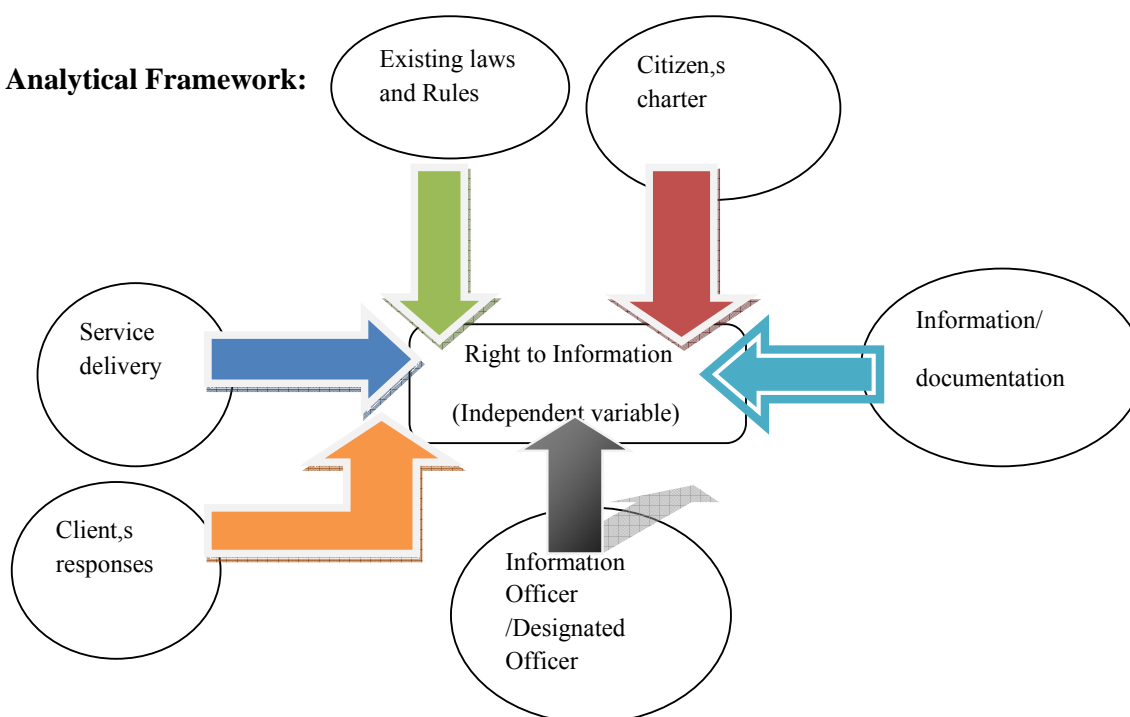


Figure: 5: Analytical framework

**Conclusion:**

While making a search for the existing literature on the subject, very few, discrete, and superficial works were found that were undertaken in Bangladesh perspective in respective cases. It is important to note here that the cited literatures provide a good concept and scope for this research. Regarding the theoretical perspectives, it can be said that the present existing practice can make a framework of the research and can construct the theoretical foundation of this research. After all existing literatures, articles and official website is the key to form the ‘analytical framework’ in this research.

## Chapter 3: Issues and Challenges of RTI

### 3.1: Introduction

This chapter explores the relevant issues and challenges related to implement of the RTI-2009. Most of cases were picked and cited from various daily news-paper or workshop/seminar papers in Bangladesh. *The Daily Star*, 2010, reported that one of the challenges of implementing the RTI Act at the grass-roots level do not have access to information because the designated RTI officers are not cooperating with that the people. From its establishment at 2009, the information commission is working hard to implement the Right to Information Act. In the process of its application, the following challenges have been noticed: Ambiguity and Limitations in RTI Act: There is noticeable ambiguity in some sections, especially on the appellate authority. Since the provision of pre-permission is not clear, the information commission faces problem is taking decisions in many cases. Besides, there is another ambiguity about the government-granted organizations and those which are licensed from the government and are receiving subsidy under the RTI Act.

### 3.2: Lack of Publicity on the RTI Act

Though RTI was introduced three years ago, a large part of the people does not know very well about this Act. Even the educated people also are not very clear about it. The main reason behind the problem of its application is the ignorance about this Act. Another problem is absence of “Designated Officer” in all offices. Though, according to this Act, within 60 days, designated officers will be recruited after passing three years. It is found that it is not yet enough. Designated officers have been assigned in various government and non-governmental offices till December, 2011 (IC, 2011). The complete list of the designated officers of the country has been uploaded in the web portal of the Information Commission ([www.infocom.gov.bd](http://www.infocom.gov.bd)). The list is expanding gradually with the flow of time. According to the Information Commission’s website (till December, 2011), 7904 designated officers have been assigned in the government offices and 2470 in the 571 non-government offices i.e. a total of 10374 designated officers are working to provide information throughout the country. Though people have enough interest to know information from Non-Government/ MPO educational institutions, they do not have any “Designated Officer”. A large number of Non-Government organizations are not showing any interest to recruit “Designated Officer”. As a result people are facing problem to get proper service from the concerned organizations. Beside this, it is always late to recruit new staff in the case of transfer of Designated

Officer. So publication works are vulnerable and training and advocacy program was late due to budget provisions in RTI. Even print or electronic media could not broadcast news or messages or awareness program without financial benefit from IC or concerned organizations.

### **3.3: Lack of publications for self-motivated information**

In spite of clear direction in the RTI Act and Information Commission, GO and NGOs are not showing enough initiatives to make their information from the public. Though many organizations have their own websites, they are not posting all information there. In many cases, they do not update their websites. Organizations do not publish their annual reports timely. Since organizations do not use modern technology in preserving information, they face difficulties to give quality service. If information is available at the website or in other form, it would be easier to produce information, or to tackle information related harassment to the clients, also to relieve pressure from the designated officer (DO) at every office.

### **3.4: Weakness in RTI Act Practice**

RTI Act practice is a symbol of the civilized society. If anyone applies it to any office for information following the correct format, the office will provide information or inform them in case of inability. In spite of this, many organizations show indifference to that act of receiving application. There is no example of notice in the case of failure to provide information. People who is demand information show disinterest in pay the cost of information. It has been observed that there is a culture of confidentiality for a long time; now it is time for showing apathy to apply this Act.

### **3.5: Lack of Interest among the media persons to follow RTI Act**

Though media persons show a lot of interest in RTI Act, they are not aware about following it when they collect information from other organizations. They require instant information and do not pay for it. As a result, “Designated Officer” falls in a dilemma. It creates an embarrassing situation between the designated officer and others. A media person can receive news of a current situation. But she/he is not interested to stay for a long time for information. But in case of a research- oriented or investigative report, she/he may wait for information within the RTI-2009 Act timeframe. So, it is imperative to create positive images about RTI-2009 Act among the media personnel in Bangladesh.

### **3.6: Inadequate Preservation System**

The RTI (preservation and management of information) Regulation 2010" and the „RTI (publication and prevalence of information) Regulation 2010", enforced by the Information Commission. These were also sent to the secretaries of the different ministries with an aim to distribute those among the ministries and divisions; and to the District Commissioner of all districts to make these accessible at the district and sub-district level. It is expected that the concerned authorities will follow the rules and regulations of Information Commission. Thus, they will be encouraged to disclose information proactively. In reality, most of the offices do not have adequate information preservation system. As a result, much information has become destroyed. In most of the cases, the information preserved haphazardly. So, it takes a lot of time to find out the required information. It can create negative attitude towards this act. The person concerned should be responsible about giving information to the clients. Information archives should be well-planned and properly decorated- Information Technology should be ensured for the preservation room of RTI related documentation.

### **3.7: Dependency of the “Designated Officer” on the higher authority**

The term Designated Officer means the officer who is responsible for providing information to the concerned persons. For this purpose, all authorities, within 60 (sixty) days after commencement of this Act, shall appoint a designated officer in each of the information providing units and shall inform the Information Commission about it by writing the name, designation, address and, in case where applicable, fax number and e-mail address of the appointed designated officer within 15 (fifteen) working days from the date of such appointment. A designated officer discharging his/her duty under this Act may seek assistance from any other officer. An officer whose assistance is sought shall be bound to extend necessary action. According to RTI Act “Designated Officer” is independent for providing the required information without any influence from the higher authority. However, because of administrative practice, she/he asks the higher authority which results in the delay in providing service. In this case, the Designated Officer’s ACR is the main factor for depending on the higher authority.

### **3.8: Lack of Logistic Support at the “Designated Officer” Office’s:**

As a result, the lack of modern technological support at the “Designated Officer” office, the process of providing information is speedy and procedure faces obstacles. Most of the offices do not have photocopy machine. Information Commission of Bangladesh and official papers are photocopied from different shop, which violates secrecy and also safety. Most of the offices do not have any

computer, printer, scanner and internet facility. This creates hindrance in the information providing process. Special projects should be taken to provide logistic support to the Designated Officers and effort in this regard should be initiated by the Information Commission.

#### **4. Major issues and challenges to implement RTI-2009 Act:**

##### **4.1: The Information Commission**

The Information Commission (IC) is comprises of three officials and is headed by the chief information commissioner (CIC), with the other two Commissioners. The Act (section 13) enables them to work independently and without any interference from here. It is obligatory to lay down the guidelines that are to be followed by the authorities for managing and publishing information thus ensuring mass people's access to it. It is the authority of a civil court under the Code of Civil Procedures 1908. For appropriate operation, the RTI Rules and Regulations have been enacted already. It is important to note that implementation of the RTI Act is supported by an effective ongoing monitoring and evaluation system. The Information Commission can then regularly assess whether authorities are meeting their obligations under the Act. Then, they can identify public authorities which perhaps require additional training. Regarding, the Information Commission, Dr. Iftekharuzzaman says that the Commission should be headed by a person who has the highest degree of credibility, public trust, professional excellence and capacity, leadership quality, and dynamism. The Commission must be proactive and independent and should have sufficient financial, human, and technical resources. He is of the giving the opinion that RTI Act should be constantly reviewed and be analyzed to ensure that it actually facilitates and not restricts the people's access to information. Lack of logistic support and recruitment of personnel in the Information Commission from non political arena are great challenges in the process of implementing RTI.

##### **4.2: Poverty**

Bangladesh is a place in the world that is among the poorest in terms of the economy of the country and the living situations of the majority of its population. Though Bangladesh has made a great deal of progress in reducing the poverty, this independent country has still more than half of its 135 million citizens who live in poverty. Bangladesh is one of the youngest countries in the world. Although it is no more than four decades old, it has one of the highest poverty rates in the world. Almost half of its population lives below the poverty line. It means that almost 70 million people in the country are starving every day. The poverty line is measured by income, the ability to meet basic



human needs like food, water, and shelter, and by the rate of consumption. So, great challenges do exist in the process of implementing of RTI-2009 Act in Bangladesh. Each and every country's socio-economic factors are in the great challenge to implement RTI in grass-roots level.

#### **4.3: Education**

The arena of education in Bangladesh is not so developed. Here, rate of literacy is low. There is a significant disparity between female and male literacy rates. However, with the growing awareness of both the government and NGOs, literacy rate is increasing gradually. Bangladesh got International Literacy Prize 1998 from UNESCO for its ongoing literacy rate. In recent years, the country has adopted various strategies to educate the general population and particularly the children. However, there are still many challenges to overcome for attaining an acceptable standard of education and literacy. So, if the education rate is increased and population is educated, RTI-2009 Act can be properly realized in the community. So far, it is another issue at the national and international level to take easy steps for RTI implementation.

#### **4.4: Advocacy & Awareness Programs:**

There is currently no legislated Right to Information in Bangladesh. Among the civil society activists, there is little awareness of this issue, and the utility of having such a right, especially with regard to empowering the citizens. Some simple publications in Bangla have been published by the Bangladesh Legal Aid and Services Trust (BLAST), but have only been circulated quite recently, and mostly among its staff. People in Bangladesh face great difficulties in accessing even the most mundane information from the public authorities. The majority of the people in this country are landless. They survive by selling their own labour. This marginalized majority is at the mercy of the state, big business and trans-national entities that routinely make decisions that affect their lives without taking their opinions into any account. Apart from awareness raising, another initiative is needed in Bangladesh. It needs to find out ways to integrate effectively the issues of RTI in the demands of the activists and NGOs working for human rights. This type of approach can begin along the lines of some of the activities of the MKSS (*Mazdoor Kisan Shakti Sangathan*) in Rajasthan, who have had great success in operationalizing the Right to Information. In Bangladesh, the NGOs and grass-roots level activists are much different from the model in Rajasthan. Nevertheless, it remains to be seen whether an approach along the lines of the MKSS could be successful in Bangladesh. In this country, folk theater and other forms of cultural communication are very rich. These can be effective

ways to sensitize the people. However, the government itself or Information Commission cannot initiate any programs to sensitize the people. So, it is another challenge to implement of RTI.

#### **4.5: Information Technology and Digital devices**

The use of information and communication technology has been playing a vital role in the 21st century due to globalization. Today, every government is encouraged to take measures in this regard. The democratic government at present has declared the “Vision 2021” in its Election Manifesto which is aimed at the establishment of a resourceful and modern country by 2021 through effective use of information and communication technology. This dream is known as the "Digital Bangladesh". *The Daily Star*, 2010 reported that 6.5 crore cell phone users have got message about the awareness of RTI and mobile phone operator Robi and Grameenphone have signed a MoI in this regard.

“Digital Bangladesh” does not only mean the wide use of computers. It is also indicative of the modern philosophy of effective and useful use of technology for implementing the promises regarding education, health, job placement, poverty reduction etc. Therefore, the government underscores a changing attitude, positive thinking, and innovative ideas for the success of “Digital Bangladesh”. Bangladesh, as a country with 150 million populations has got a huge potential, despite having many problems. Now, it is very important to create skilled manpower that is educated in science and technology. Currently, the people of Bangladesh remain far away from using ICT while the whole world is getting developed by making the best use of all its advantages.

#### **4.6: Bureaucratic system and mindset**

Shaheen Anam, Executive Director of *Manusher Jonno Foundation (MJF)* and Convener of RTI Forum thinks that the first challenge to implement the RTI law lies in changing the mindset of people who use information as power and are extremely reluctant to share it with the people. She thinks that the government will have to take the lead in the implementation of the law but it can take help from NGOs and other stakeholders. Shaheen Anam has made suggestions for a network of the designated government and NGO officials with an aim to create a common platform of capacity building and share experiences on RTI. Dr Iftekharuzzaman, Executive Director of the *Transparency International Bangladesh (TIB)* thinks that the most important element to implement the law effectively is the political will and the degree of commitment of the government. To implement the

RTI Act, he suggested a plan of action with specific timeframe and formation of an inter-ministerial committee to coordinate and monitor the implementation. NGOs and other institutions should develop their own time-bound implementation and monitoring plans. So, the overall bureaucratic system and mindset should be changed to implement RTI.

#### **4.7: Other Existing laws**

A number of existing laws—the Official Secrets Act, 1923, the Special Powers Act, 1974, Rules of Business, 1996—have a provision regarding non-disclosure of information.

The implementation process should include the process of harmonizing all existing laws and regulations with the RTI Act so as to remove any inconsistency and contradiction that could impede the prospect of implementation. RTI and an effective Information Commission will require active support and enforcement from the courts and law-enforcement institutions. Independent judiciary and law enforcement agencies are a sine qua non for the implementation of the RTI Act. Without an independent judiciary, the right to information can turn out to be illusory. A prerequisite for building an RTI-supportive national integrity system is one in which key institutions of democracy are independent of partisan political influence and are supported by a firm constitutional jurisprudence favorably disposed to the concept of RTI.

#### **4.8: Demand and supply side conflict**

This upsurge of the RTI law worldwide comes as an indicator of the growing recognition of the importance of the citizens' access to information as a catalyst for strengthening democracy, promoting human rights and good governance, and fighting corruption. Enactment of RTI laws has taken in many cases persistent efforts of campaign and advocacy by a multiplicity of stakeholders in the public, private, and nongovernmental sectors, particularly the latter who like in Bangladesh, played the catalytic role. The experience of RTI movement shows that while the enactment of the law appears as a dream-come-true for the campaigners, its implementation, like any other law enforcement, is much more challenging. *The Daily Star*, 2010 reported that only 201 non-government organizations out of some 30,000 have employed Public Information Officers as required by the Right to Information (RTI) Act 2009. So, there exists a big gap between the supply and demand side for the concerned officials.

#### **4.9: Training and Information clinic:**

In Bangladesh, it is a new Act. So, the implementation of RTI is a challenging job to achieve the desired goal. Now, it is imperative that training is the key tool for sensitizing officials and clients of RTI in Bangladesh. If possible, Information Clinic should be set up at each ward in rural Bangladesh with the connectivity of internet. Training and information clinic is the fundamental basis of RTI in Bangladesh. Clients will be greatly benefitted by this initiative.

#### **4.10: Allocation of Budget**

Allocation of budget for proper implementation of RTI is a vital issue in each office. Budget is the key instrument to run official work and also to design plan of the quarter. So, RTI cannot run smoothly without adequate budget. In every, financial year, appropriate budget should be placed with proper guidelines to implement the RTI-2009 Act. Besides, proper monitoring and evaluation system should be ensured by the Information Commission.

## Chapter 4: Results and Discussion

This chapter presents and analyses the data which was gathered during the period of data collection. The present study used both qualitative and quantitative measures to describe the implementation of RTI-2009 Act. This chapter provides a detailed result about the understanding of the respondents. The major components are provided through three groups; 1) Good governance and RTI, 2) Training and service delivery, and 3) Administrative set up regarding RTI. Another component is the demand side, i.e. the interviewed with the media personnel in Mymensingh district. Finally, for the assessment of service recipients, qualitative assessment is also included i.e; a case study was done on the basis of non-formal discussion with service recipients of different government offices in the Mymensingh district administration.

### 1) Good governance and RTI:

For data analysis in the questionnaire, good governance and RTI segment contains basically four major indicators for frequency analysis. The result is given through the four indicators:

#### Frequencies:

		Statistics			
		Performance and Impact of RTI	Maintain the Accountability	Status of existing service delivery	Budget provision and M & E on RTI
N	Valid	20	20	20	20
	Missing	0	0	0	0

The table is shown above presents the frequencies of the respondents of official. There are four major components in the table. These are 1) Performance and impact of RTI, 2) Maintain of the accountability, 3) Status of the existing service delivery and 4) Allocation of budget and M& E on RTI. The sample size is 20 and respondents gave reply to the four major questions which are presented in the below table.

**Performance and Impact of RTI:**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Highly Dissatisfied	4	20.0	20.0	20.0
	Dissatisfied	8	40.0	40.0	60.0
	Neutral	3	15.0	15.0	75.0
	Satisfied	3	15.0	15.0	90.0
	Highly Satisfied	2	10.0	10.0	100.0
	Total	20	100.0	100.0	

The table shown above describes the respondent's frequency and percentage of the replied regarding the question of performance and impact of RTI. It is seen that 8 respondents are dissatisfied, i.e. given value of 2 which is not positive impact towards RTI-2009 Act implementation in the Mymensingh district administration. The other respondent who are shown as highly dissatisfied, neutral, satisfied and highly dissatisfied are 4, 3, 3 and 2, respectively. So, it can be concluded that the major portion belongs to the negative performance to the RTI and the highest percentage of 40% is dissatisfied regarding the performance of RTI.

**Maintaining the Accountability:**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Highly Dissatisfied	4	20.0	20.0	20.0
	Dissatisfied	12	60.0	60.0	80.0
	Neutral	2	10.0	10.0	90.0
	Satisfied	1	5.0	5.0	95.0
	Highly Satisfied	1	5.0	5.0	100.0
	Total	20	100.0	100.0	

In the table shown above it is seen that the respondent's frequency and the percentage of the score level are from 1-5. There are 12 respondents who are dissatisfied and the percentage here is 60. So, it is seen that the present RTI application could not maintain its accountability in all situations.

**Status of the existing service delivery:**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Highly Dissatisfied	8	40.0	40.0	40.0
	Dissatisfied	9	45.0	45.0	85.0
	Satisfied	2	10.0	10.0	95.0
	Highly Satisfied	1	5.0	5.0	100.0
	Total	20	100.0	100.0	

The table shown above describes the service delivery to the citizens. It is very negative towards the service provider. The percentage of 40 and 45 are highly dissatisfied, dissatisfied and respondents are 8 and 9 respectively replied that RTI could not create positive image among the demand side and it will take some time to settle the service delivery in administrative task.

**Budgetary provision and M & E:**

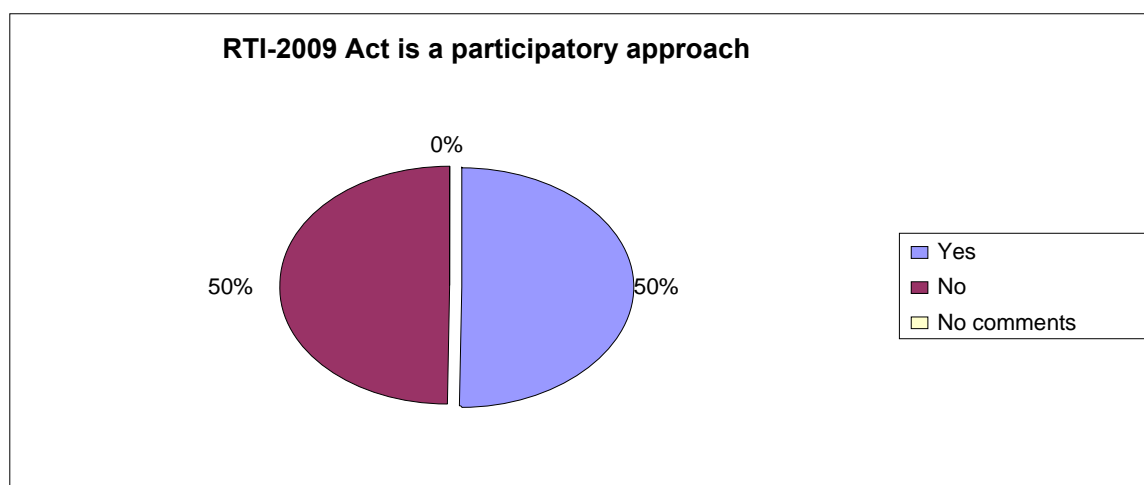
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Highly Dissatisfied	5	25.0	25.0	25.0
	Dissatisfied	11	55.0	55.0	80.0
	Neutral	1	5.0	5.0	85.0
	Satisfied	2	10.0	10.0	95.0
	Highly Satisfied	1	5.0	5.0	100.0
	Total	20	100.0	100.0	

The table above shown that the budget provision is not enough, i.e.; 55% is dissatisfied and 11 respondents achieved 2 score. So, most of the respondents are not satisfied with the existing budget provision for RTI-2009 Act in each office.

### **Case study # 1**

Mr. **Aynal Haq** is a 36-year old man. He lives in **Mymensingh sadar upazilla** and is working as a day laborer in his own field. He has 1 acre of agricultural land. His entire livelihood depends upon this land. He has recently purchased a 0.5 decimal land from his cousin. He came to AC (Land) office for the purpose of mutation. He could not do this in a smooth way. Even he could not get any information about the govt. rate for mutation. He was promised by one Office Assistant of AC (land) that he would do this task tomorrow in exchange of 1000 taka take (one thousand taka). He agreed for that and went there the next day. Mr. Aynal did not know about the RTI-2009 Act. He was not aware about how it could help him to get information about mutation. So, he is totally in the dark about RTI-2009 Act. Nobody could inform him about the Act. So, he did not get any information regarding the mutation. RTI-2009 Act could help him along with a minimum cost. An assigned person should be there to inform him about the govt. rate of mutation. He could have filled up the RTI-2009 Act application form. So, it is obvious that this office did not use RTI-2009 Act for the purpose. Nobody realized that it is the tool for service delivery within a short time to the clients.

### **Participatory approach in RTI:**



It was found that the above pie chart represented participatory governance. 50% respondents replied that it was active role in governance by RTI application and remaining 50% respondents replied that it was not directly involved in introducing participatory governance through RTI application. So, it is obviously indicated that further research in RTI with broad respondents can find out the importance of participatory governance in RTI application in the governance sector. Now, it is a win-win situation to introduce RTI through participatory approach.



### **Training and Service Delivery:**

For data analysis in the questionnaire, the training and service deliver segment contains basically three major indicators for frequency analysis. The result is given below through each of the three indicators:

#### **Frequencies:**

##### **Statistics**

		Publication Materials	Budget Allocation	Logistic Support
N	Valid	20	20	20
	Missing	0	0	0

The table above presents the frequencies of respondent's of official of training and service delivery. There are three major components regarding training and service delivery of RTI-2009 Act. These are: 1) Training materials /texts, 2) Budget allocation for training, and 3) Logistic support for DO. The sample size is 20 and all respondents replied to the three major questions which are shown in the table above.

#### **Training materials /texts:**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Highly Dissatisfied	4	20.0	20.0	20.0
	Dissatisfied	10	50.0	50.0	70.0
	Neutral	4	20.0	20.0	90.0
	Satisfied	1	5.0	5.0	95.0
	Highly Satisfied	1	5.0	5.0	100.0
	Total	20	100.0	100.0	

From the above table, it is found that the respondent's frequency and the percentage of the score level are between 1-5. 10 respondents are dissatisfied and the percentage is 50. So, it is seen that the implementation of RTI faced challenges regarding training and texts materials. The remaining parts of the respondents are a little bit satisfied or dissatisfied.

**Budget allocation for training:**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Highly Dissatisfied	5	25.0	25.0	25.0
	Dissatisfied	13	65.0	65.0	90.0
	Neutral	1	5.0	5.0	95.0
	Satisfied	1	5.0	5.0	100.0
	Total	20	100.0	100.0	

The table shows the budget allocation for training. It shows a very negative picture about the budget. 65 and 25 percents are dissatisfied and highly dissatisfied respectively. And, 13 and 5 respondents respectively replied that the budget allocation for RTI is not enough to implement RTI-2009 Act in Mymensingh district.

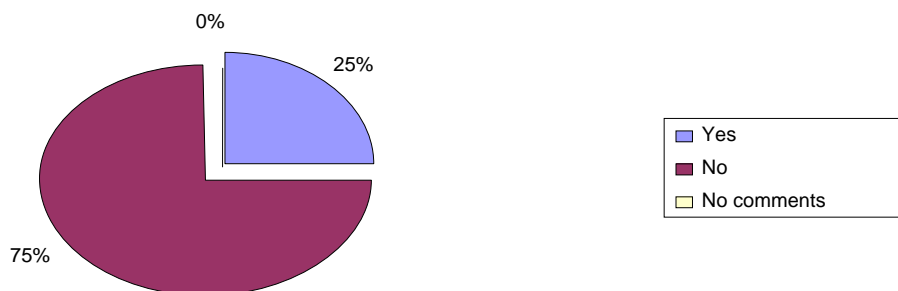
**Logistic support for the DO**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Highly Dissatisfied	3	15.0	15.0	15.0
	Dissatisfied	12	60.0	60.0	75.0
	Neutral	4	20.0	20.0	95.0
	Satisfied	1	5.0	5.0	100.0
	Total	20	100.0	100.0	

From the table, it is seen that the respondent's frequency and the percentage of the score level is 1-5. 12 respondents are dissatisfied and the percentage is 60. So, it is seen that the implementation of RTI faced challenges regarding logistic support for the Designated Officer. Only 1 respondent was found to be satisfied, i.e. the score is 4; others are neutral and highly dissatisfied.

### **Resource person available for training:**

**Resource persons available to provide training on RTI**

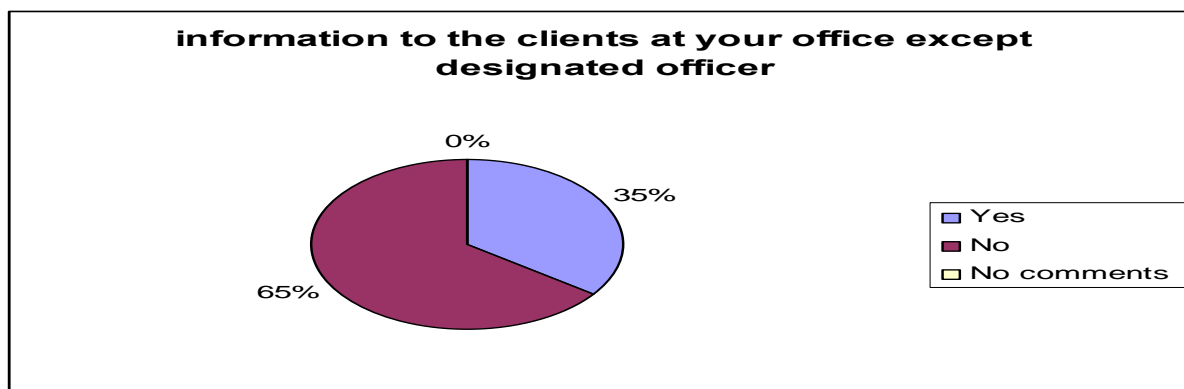


The pie chart shown above indicates about the availability of resource persons for giving further training to other officers in each office. It was 25% positive and/or available with 75% respondents replied that they were not well-equipped with the resource person. However, RTI related training will be needed in each office.

### **Case study # 2**

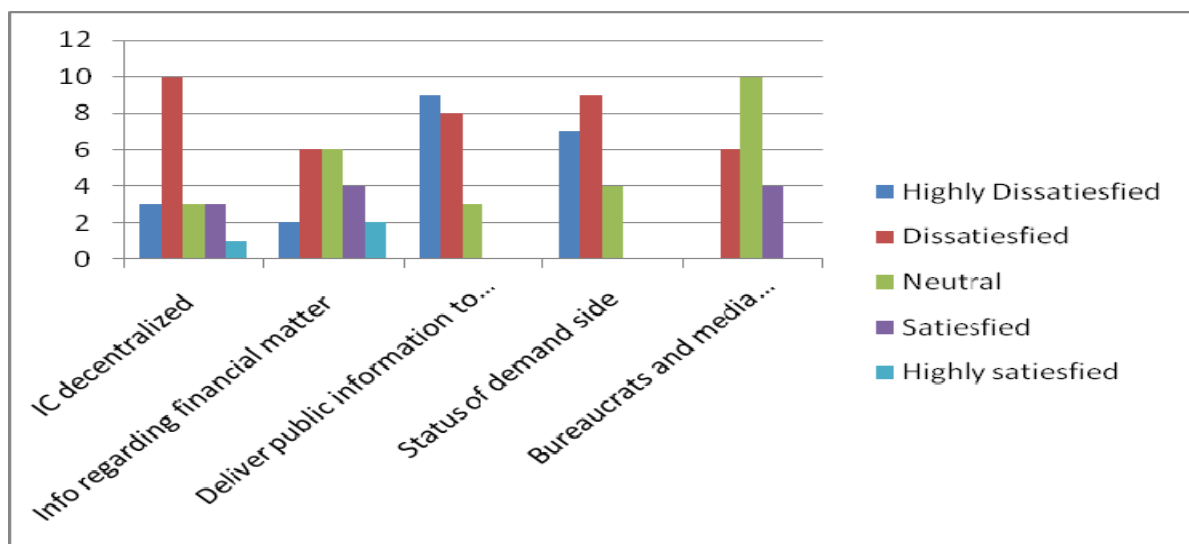
Mr. Abdul Majed is around 45 years old. He lives in Darilla village under **Trishal upazila**. He is a businessman and now works in the agricultural land. He is highly interested to know about the govt. procedure and rate of khas land for leasing purpose. But, he is facing a lot of problems regarding information about khas land. He is going to take lease of khas land from the AC (Land) office. Unfortunately, he gave 20,000 (twenty thousand) taka to someone in the AC (land) office (his/her name not mentioned) to manage land and get a sanction letter in favor of him. Recently, he came to know that RTI could help him to know about the procedures and rules of khas land in Trishal upazilla. He is now shocked and a little bit frustrated for his foolishness. He is now very much aware of the RTI-2009 Act. He now gives information about it to his neighbors and members of the community. How to get information from the govt. offices or other agencies through RTI-2009 Act is a milestone for the service recipients in the grass-root level. Mr. Majed is now the key man in Trishal upazila to inform about the RTI-2009 Act. He tries to provide with best services to the clients. He also provides guidelines to the clients for getting information. He instructs others as to how to fill up the RTI application form. He informed that BRAC could help him learn about RTI. RTI-2009 Act is the only way to get information within a specific time. It can help on getting authentic information from the concerned office. So, it is time to be aware about the brokers in the AC (Land) office or in any office regarding any matter. If possible, clients should go to the Assistant Commissioner (Land) for any information. He/she is the key personnel regarding land related problems in the upazila.

## Delivery of Information to the clients at the office without the Designated Officer



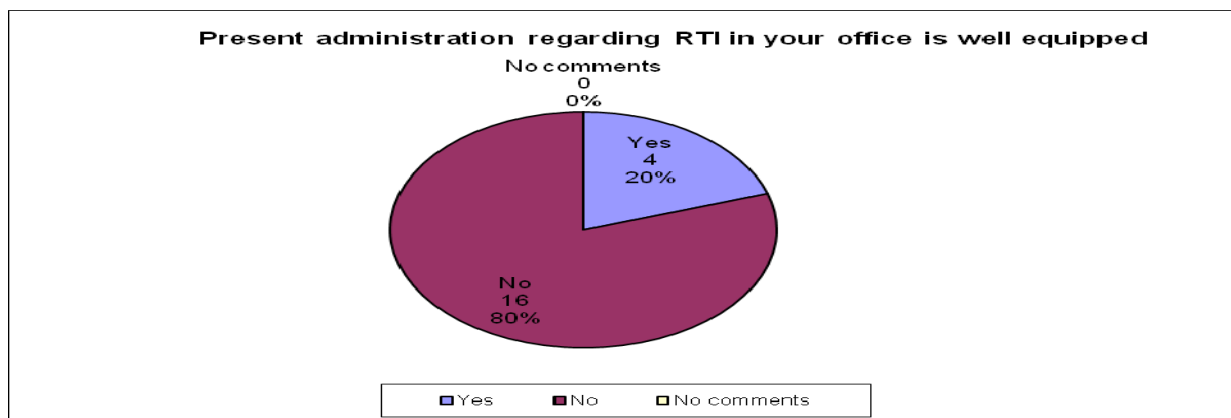
This chart shows that the information given without the designated officer/information officer in each office was 35% positive. The remaining 65% respondents were negative about the information given except designated officer/information officer. It is concluded that the other person in each office was not directly responsible to provide information to the clients and all responsibilities belong to the designated officer in each office.

### **2) Administrative set-up for RTI:**



It is revealed that the bar graph is representing the five indicators for RTI and bearing 1 to 5 score for each of the five components from 20 respondents. The results show that the Information Commission should be decentralized and 10 respondents scoring 2 and the other four components are showing in an individual identity in which second components are scoring 2 score > 6 and 3 score > 6 respondents.

### Present administration regarding RTI in your office:

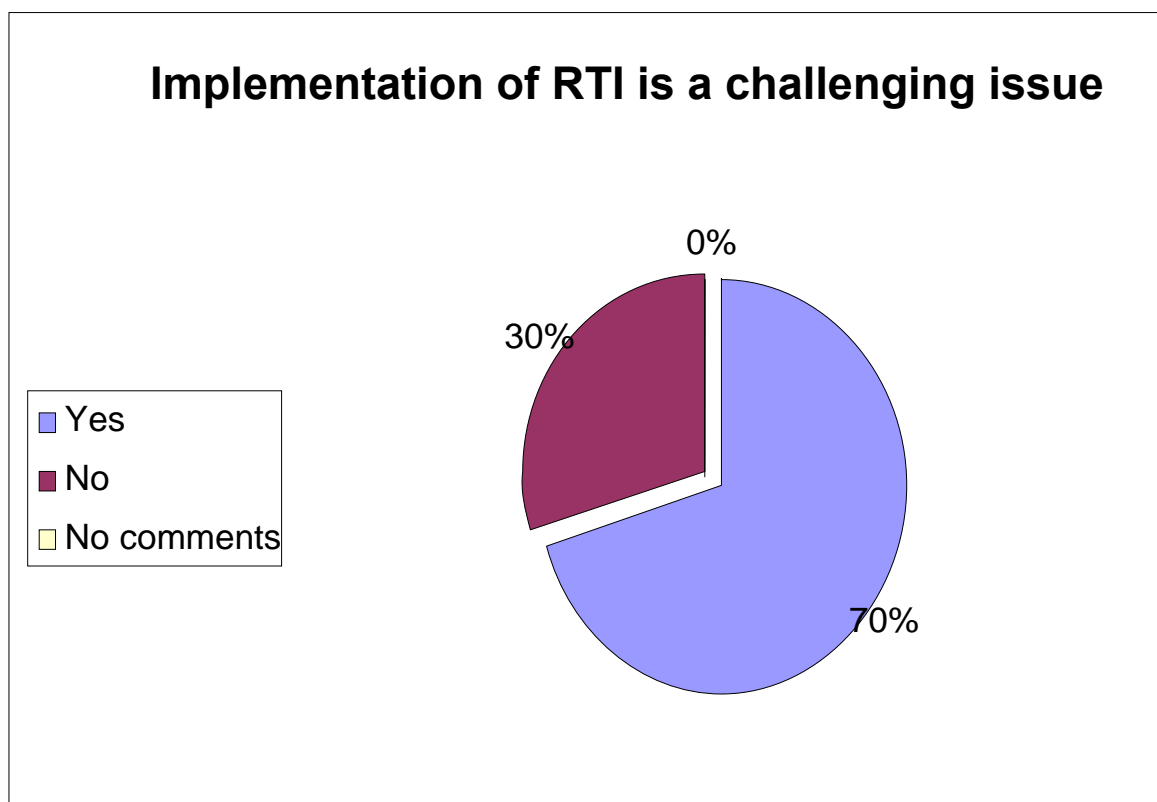


The graph shows that the RTI-2009 Act implementation in each office at present time they did not well equipped and the results shows 80% is not ready to carry out RTI. However, the others 20% respondents agreed to implement RTI-2009 Act and it is obviously find that it is so far behind from the present administrative set up in each office.

### **Case study # 3**

Mr. Bakkar Mia is now around 50 years old. He lives in Kathali village under **Muktagacha upazilla**. He is a businessman and is involved in timber and furniture marketing. He has planned to know about the tree seedlings and saplings in Muktagacha upazila nursery from the Range Officer of the Forest Department. He is going to initiate tree plantation program in his own land and also in some khas areas in his locality. He is unable to know about the quantity of seedlings in this nursery. The authority did not provide any information in the informal channel. I asked him, Why you do not follow the RTI-2009 Act application? He replied that he did not know about the Act. He is also unaware as to how it will be implemented in the upazila level as most of their cases are not highly exclusive and most of the cases are concerned with the local authority and that people are waiting to receive answer in a quick decision. If they maintain RTI, it will be time-consuming and will create extra hazards for the officers. That's why; they did not follow RTI related formalities. They believe that it is the duty of the officers to give information regarding any matter, but it is not practically impossible at the upazila level. Mr. Bakkar is now thinking that he will apply for knowing about the quantity of seedlings and saplings of that nursery through a prescribed form which is available in IC web address. After submission of the application, he picked up the exact figure and made a proposed planning for plantation in this year. RTI-2009 Act is the only way to get information within a specific time. It is the only way to get authentic information from forest range office in Muktagacha. It is high time to disseminate RTI-2009 Act-related information to the service recipients at local level.

**Status of implementation challenge:**



From the analysis point of view, it is indicated that 70% respondents replied that it is a challenge to implement RTI-2009 Act for different reasons. The remaining 30% is not aware about the Act.

## **Analysis for the media personnel:**

The media which is key player for the promotion of RTI in many countries is quite excited about it in Bangladesh. They find its processes to be long-drawn and cumbersome. They also seem to believe that the existing practices of obtaining information through private channels is a lot easier thing. Few journalistic works will be required of RTI and use as a tool of investigative journalism rather than daily works.

There are nine components for media analysis in my research question. Each component contains the level of score range from 1-5 where 1 means highly dissatisfied, 2 means dissatisfied, 3 means neutral, 4 means satisfied, and 5 highly satisfied. The analysis was done on the basis of respondent replies and SPSS tools for frequency analysis through the following table:

### **Frequencies:**

#### **Public governance and Media**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Highly Dissatisfied	4	40.0	40.0	40.0
	Dissatisfied	4	40.0	40.0	80.0
	Neutral	1	10.0	10.0	90.0
	Satisfied	1	10.0	10.0	100.0
	Total	10	100.0	100.0	

The table above shows that the numbers of the highly dissatisfied and the dissatisfied persons are the same, i.e. 4 persons from each group gave the same answer. The percentages are 40% and 40% respectively. The remaining 20% is neutral and satisfied, i.e. 1 and 1 person feel that they were interested to ensure public governance by using RTI-2009 Act in Mymensingh district administration. Highly satisfied person is absent in the table.

**Information about public sector matters:**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Highly Dissatisfied	4	40.0	40.0	40.0
Dissatisfied	4	40.0	40.0	80.0
Neutral	1	10.0	10.0	90.0
Highly Satisfied	1	10.0	10.0	100.0
Total	10	100.0	100.0	

The analysis indicates that the numbers of highly dissatisfied and dissatisfied are the same i.e. 4 person and 4 person gave the answer same and score is 1 and 2 respectfully. The percentages are 40% and 40% respectively and the remaining 20% is neutral and highly satisfied i.e. 1 and 1 person feel that they are believe that RTI can ensure information leak out regarding public sector matters in Mymensingh district administration but satisfied person is none in the table.

**Corruption cases or financial matters:**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Highly Dissatisfied	2	20.0	20.0	20.0
Dissatisfied	4	40.0	40.0	60.0
Neutral	1	10.0	10.0	70.0
Satisfied	3	30.0	30.0	100.0
Total	10	100.0	100.0	

From the above table, it is described the respondent's frequency and the percentage of the score level of 1-5. There were 2 respondents were highly dissatisfied and the percentage is 20. The major percentages were 40% dissatisfied and second number is satisfied. So it is finally concluded that the 40% were dissatisfied and 30% were satisfied and the remaining 30% was highly dissatisfied and neutral but there were highly dissatisfied was none. The corruption cases or information regarding financial matters were controversy and debatable by using RTI in Mymensingh district administration.



**Kind of difficulties:**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Dissatisfied	3	30.0	30.0	30.0
	Neutral	5	50.0	50.0	80.0
	Satisfied	2	20.0	20.0	100.0
	Total	10	100.0	100.0	

The above table is shown that the kinds of difficulties were weak to identify the main causes. There were 5 respondents were neutral and the out of remaining 5, 3 were dissatisfied and 2 were satisfied. So it is not clear pictorial view for the identification of the kind of difficulties faces for the implementation of RTI.

**Trust level regarding news making:**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Dissatisfied	4	40.0	40.0	40.0
	Neutral	5	50.0	50.0	90.0
	Satisfied	1	10.0	10.0	100.0
	Total	10	100.0	100.0	

The above analysis was shown that the higher number of respondents was 5 which were neutral and the percentage was 50%. The remaining 40% were dissatisfied and 10% were satisfied. Scored 1 i.e. highly dissatisfied and scored 5 i.e. highly satisfied was none. So it is concluded that the trust level for news making by using RTI was really neutral rather than positive trend towards RTI.

**Relationship between public servants and media:**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Highly Dissatisfied	1	10.0	10.0	10.0
	Dissatisfied	4	40.0	40.0	50.0
	Neutral	5	50.0	50.0	100.0
	Total	10	100.0	100.0	

The upper table is analysis on the basis of relationship between public servants and media. The total respondents were 10 from media sector. The 10 respondents were neutral the percentage was 50% and 40% was dissatisfied & 10% highly dissatisfied. So the relation between media and public servants were confusing and may be win-win role play from both side by using RTI in Mymensingh district administration.

**Case study # 4**

Mr. Mosharof Hossain is around 42 years old. He lives in Mymensingh sadar upazila. He is a member of Mymensingh Bar Association. He is involved in multi-dimensional information field. Most of the cases are about the land, health, or death certificate etc. He is going to ask about the medical certificate of his clients. He asks how to injure the body and what is the intensity of the injury? The doctor did not give him any information verbally and he did not run the case smoothly. At the end of the day, he applied for the intensity of injury for his clients. Mr. Mosharof got information from the Designated Officer from the Civil Surgeon office at Mymensingh. He is highly satisfied with the RTI-2009 Act. He gave positive message to the clients about the application of RTI-2009 Act in Bangladesh. RTI-2009 Act is the tool to give information as per the clients' requirement.

**Training received:**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Highly Dissatisfied	3	30.0	30.0	30.0
Dissatisfied	4	40.0	40.0	70.0
Neutral	1	10.0	10.0	80.0
Satisfied	1	10.0	10.0	90.0
Highly Satisfied	1	10.0	10.0	100.0
Total	10	100.0	100.0	

The table above shows that the highest percentages of 40% and 30% were dissatisfied and highly dissatisfied respectively. 10% respondents were equaled i.e. neutral, satisfied, and highly satisfied. So, the training regarding RTI in Mymensingh district was not positive, especially about the media people.

**Performance of the Information Officer/DO in different offices:**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Highly Dissatisfied	2	20.0	20.0	20.0
Dissatisfied	6	60.0	60.0	80.0
Neutral	2	20.0	20.0	100.0
Total	10	100.0	100.0	

The table above indicates about analysis that the percentage of performance received from the respondents. The number of respondents was 10. Out of 10, 6 respondents were dissatisfied (60%), 2 were highly dissatisfied (20%) and 2 were neutral (20%). There was nobody who was satisfied and highly satisfied. No respondents gave any answer on satisfied i.e. scored 4 and highly satisfied i.e. scored 5. It is concluded that the performance of RTI officer was not up to the mark.

**Current activities of the IC (Information Commission):**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Highly Dissatisfied	3	30.0	30.0	30.0
	Dissatisfied	7	70.0	70.0	100.0
	Total	10	100.0	100.0	

The table above shows that the respondent's number was 7 dissatisfied and 3 highly dissatisfied. None of them were neutral or satisfied or highly satisfied. So the 70% was dissatisfied and 30% was highly dissatisfied. It is concluded that the current activities or action plan of IC regarding media personnel was not positive.

## Chapter 5: Conclusion and Recommendations

Implementation of RTI Act could be effective and may have more meaningful impact if it were used with development schemes and through a systematic approach. RTI Act cannot be utilized as an individual instrument. The uniqueness of this Act is that it has to be integrated with other issues, like widows, old age, and social safety-net program, *Adivasi* (ethnic group) and the employment generation program for the hard-core poor people. Frequent transfer of the designated officers is one of the implementation challenges of RTI in Bangladesh. The Information Commission has undertaken some steps to build capacity of the designated officers in terms of their roles and responsibilities as described in the Act. It is expected that these initiatives will strengthen the designated officers' aptitude for total information management-beginning from information collection to preservation and delivery to the common people. As a whole, RTI-2009 Act can eliminate corruption in the public sector and ensure accountability and transparency in all sectors in Bangladesh. There have been many debates and controversies regarding the scope of the RTI Act. Controversies may have genuine ground. But, at the same time we have to keep it in our mind that it is much better if the Act is in operation rather than being a paper tiger. Of course, there is scope for improvement; we all must try hard to utilize the Act as much as possible for the benefits of the people for whom the act has been formulated. Recent SMS, mobile phone message and TV scroll news show that the Information Commission itself is enlightening the people with the message that asking information from the authority is the people's right. We all should welcome such initiatives. We expect that the Information Commission will come up with some innovative ideas which will create .... free flow for information and a healthy environment. Such challenges cannot, however, dampen the high expectations and extraordinary opportunity created by the RTI Act. The knowledge that challenges exist can rather help develop strategies and policy actions to implement RTI. Implementation of RTI is much more difficult than adoption of the Act. It is a multi-stakeholder challenge, it requires a comprehensive approach. It will yield positive result only when there is a full-fledged and committed ownership of all stakeholders, especially when there is the internalization of the benefits of the concept of the right to information by the demand side as well as the supply side - those who need the information and those who hold them.

**The Recommendations are:**

- ☉ It is recommended that RTI-2009 Act should ensure that the right information is available to the right person at the right time in the right format, at the right place, enabling open and accountable government, a better informed community, and improved business decisions.
- ☉ It is essential to set up overall policy, governance, architecture, and direction for information and information management. It should be highlighted on the basis of people's demand rather than paper work.
- ☉ All organizations should be provided with information for the people on annual or quarterly basis in the website, or billboards, or pamphlets or newspapers.
- ☉ It is essential to develop and implement an Information Management Skills Action Plan to address both the development of skills in specific information management professionals and broad awareness of information management at all levels of the workforce.
- ☉ It is strongly recommended that the core information personnel on a permanent basis should be established and be ensured in each office, and that they should be liable and accountable to the people, and that they are well-equipped with GIS-MIS systems and ICT-based information sharing system. Community Information clinic should be established as early as possible by using internet.
- ☉ It is recommended that there should be due allocation for the specific budget and open budget code for the operation of RTI-2009 Act in each office.
- ☉ It is essential to enhance the strength of the Information Commission. It should be decentralized, and its regional offices should be established as soon as possible, in the way of the Election Commission (EC) works in Bangladesh.

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## Appendix

### (Questionnaire)

#### IMPLEMENTATION OF THE RIGHT TO INFORMATION ACT (RTI-2009) IN THE SELECTED UPAZILAS OF MYMENSINGH DISTRICT.

##### Questionnaire:

[Dear respondent, this questionnaire has been designed in order to collect data for academic research only. Strict confidentiality about your identity will be maintained. Your sincere cooperation will add countless value to the research.]

Name: ..... Gender: Male ☐ Female ☐

Organization..... Designation .....

##### **Good Governance in RTI:**

A) Are you satisfied with the overall performance and impact of RTI-2009 to ensure **public governance** in Bangladesh?

1) Highly Dissatisfied 2) Dissatisfied 3) Neutral 4) Satisfied 5) Highly Satisfied

B) Are you thinking that it is enough to maintain **accountability in public sector**?

1) Highly Dissatisfied 2) Dissatisfied 3) Neutral 4) Satisfied 5) Highly Satisfied

C) Do you think that citizen, involvement in the decision making process, i.e. **participatory approach**, is enough in RTI?

Yes ☐ No ☐ No comments ☐

D) What is the status of the existing **service delivery process** regarding RTI in your Department?

1) Highly Dissatisfied 2) Dissatisfied 3) Neutral 4) Satisfied 5) Highly Satisfied

E) How do you evaluate the current **budgetary provision and monitoring & inspection** of RTI implementation?

1) Highly Dissatisfied 2) Dissatisfied 3) Neutral 4) Satisfied 5) Highly Satisfied

### **Training and Service delivery in RTI**

A) Did you **get any training** for the implementation of RTI in Bangladesh?

Yes ☐ No ☐ No comments ☐

B) How did you evaluate the **publication materials/text books** for RTI in your office?

1) Highly Dissatisfied 2) Dissatisfied 3) Neutral 4) Satisfied 5) Highly Satisfied

C) What is your opinion about the **budget allocation for training** in RTI?

1) Highly Dissatisfied 2) Dissatisfied 3) Neutral 4) Satisfied 5) Highly Satisfied

D) Do you think that the training-related **resource person** is skillful or available to provide training in your department?

Yes ☐ No ☐ No comments ☐

E) Do you think that **logistic support are available, like; transport, computer, internet** etc. to Designated Officer in RTI?

1) Highly Dissatisfied 2) Dissatisfied 3) Neutral 4) Satisfied 5) Highly Satisfied

F) Are you thinking that **anyone can give information to the clients** at your office except the designated officer?

Yes ☐ No ☐ No comments ☐

### **Administrative set-up and other issues regarding RTI in Bangladesh**

A) Do you think that the **present administration regarding RTI in your office is well-equipped?**

Yes ☐ No ☐ No comments ☐

B) Do you believe that the **Information Commission should be decentralized** upto the district level for monitoring of RTI implementation?

Yes ☐ No ☐ No comments ☐

C) How much do you agree that **information regarding financial matters** should be confidential in your office?

1) Highly Dissatisfied 2) Dissatisfied 3) Neutral 4) Satisfied 5) Highly Satisfied

D) Do you support that RTI is the only way to **deliver public information to the citizens**?

1) Highly Dissatisfied 2) Dissatisfied 3) Neutral 4) Satisfied 5) Highly Satisfied

E) Do you think that **implementation of RTI is a challenge issue** in our country?

Yes ☐ No ☐ No comments ☐

F) What is your response to the **demand side of RTI** in this district?

1) Highly Dissatisfied 2) Dissatisfied 3) Neutral 4) Satisfied 5) Highly Satisfied

G) What is the status of the relationship **between bureaucrats and media personnel** in your work area?

Very low				very high
1	2	3	4	5

Thank you for your cooperation.

## IMPLEMENTATION OF THE RIGHT TO INFORMATION ACT (RTI-2009) IN THE SELECTED UPAZILAS OF MYMENSINGH DISTRICT.

### Questionnaire (Media Personnel):

[Dear respondent, this questionnaire has been designed in order to collect data for academic research only. Strict confidentiality about your identity will be maintained. Your sincere cooperation will add countless value to the research.]

Name: ..... Gender: Male ☐ Female ☐

Organization:.....

Position: ..... Length of service:-----

### Involvement in RTI:

A) Were you satisfied with the overall performance and impact of **RTI-2009 Act to ensure public governance** in Bangladesh?

1) Highly satisfied 2) Satisfied 3) Neutral 4) Dissatisfied 5) Highly Dissatisfied

If dissatisfied, what are the reasons?

.....  
.....

B) Please evaluate the **response of RTI in the government office to provide information** on public sector matters.

Very low

very high

1	2	3	4	5
---	---	---	---	---

C) How do you realize that it is very difficult to **access government information** especially on corruption cases or financial matters?

Very low

very high

1	2	3	4	5
---	---	---	---	---

D) What **kind of difficulty** is face in **RTI to access government information** in different cases?

1) Laws & regulations 2) Culture of secrecy 3) Reluctant to voluntary disclosure  
4) Personal 5) Others

E) Evaluate **your trust level on RTI in the government office regarding news-making** in the public sector?

Very low

very high

1	2	3	4	5
---	---	---	---	---

F) Do you think that the existing **relationship between media personnel and public bureaucracy** is favorable to ensure public governance in Bangladesh?

Yes ☐ No ☐ No comments ☐

G) Have you got **any training** in RTI-2009?

Yes ☐ No ☐

H) How do you evaluate the **performance of the assigned Information Officer** in different offices in your district?

Very low				very high
1	2	3	4	5

I) How do you think that the **current activities of Information Commission are task oriented?**

Very low				very high
1	2	3	4	5

Thank you for your cooperation.

**List of the respondents are given below:**

<b><u>Officials</u></b>			
Sl. No	Name	Designation	Remarks
01	Mr. Lokman Hossain Mia	District Collector (DC)	
02	Mr. Golam Kibria	Superintendent of Police (SP)	
03	Mr. Mohammaad Mizanur Rahman	UNO, Trishal	
04	Ms. Banani Biswas	UNO, Fulbaria	
05	Mr. Kamruzzaman Mia	UNO, Muktagacha	
06	Mr. Md. Azizul Islam	Additional S.P. SB.	
07	Khondoker Moshfiquir Rahman	AC (Land), Sadar	
08	Ms. Israt Jahan	AC (Land), Muktagacha	
09	Ms. Mostara Kederi	AC (Land), Trishal	
10	Mr. Monir Ahmed	Executive Engineer, P.W.D	
11	Mr. Dr. Ataur Rahman	Civil Surgeon, Mymensingh	
12	Mr. Moinuddin Khan	DFO, Mymensingh	
13	Mr. Horidas Thakur	District Cooperative Officer	
14	Mr. Goraz zaz Hossain	Executive Engineer, R & H	
15	Mr. Sarowar Hossain	Executive Engineer, Public Health Department	
16	Mr. Rabiul Alam	Deputy Director, District Youth Development Officer	
17	Mr. Dr. Birag Ananda Nath	Deputy Director, Family planning	
18	Mr. Dr. Ali Md. Omar Faruk	District Fisheries Officer	
19	Mr. Shah Abdul Alim Khan	District Commandant, Ansar & VDP	
20	Mr. Abdul Azim	Assistant Director, Dept. of Environment	
<b><u>Media</u></b>			
01	Md. Shamsul Alom Khan	The Daily Ajker Mymensingh	
02	Md. A.F.A Salam	The Daily Desher Khabor	
03	Md. Habibur Rahman	The Daily Jahan	
04	Md. Zia Uddin Ahmed	The Weekly Mymensingh	
05	Md. Shahjahan	The Daily Swajan	
06	Md. A.N.B Ibrahim Khalil	The Biswer Mukhopatro	
07	Md. Afsar Uddin	The Daily Sabuj	
08	Ms. Khadiza Begum	The Daily Loklokantor	
09	Mr. Bikas Roy	The Weekly Poridhi	
10	Md. Nurul Islam	The Weekly Fulkhori	